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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,535	11/20/2003	Nicolas Roux	245509US41X CONT	6889
22850	7590	03/09/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			NGUYEN, KEVIN M	
1940 DUKE STREET			ART UNIT	
ALEXANDRIA, VA 22314			PAPER NUMBER	

2674

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/716,535

Applicant(s)

ROUX, NICOLAS

Examiner

Kevin M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/062,671.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 7-9, 11-16, 18-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al (US 6,784,869) in view of Vaughan et al (US 5,905,497).
2. As to claims 1, 12, Clark et al teaches a cursor control display for a flight desk of an aircraft comprising:
  - a. At least one display window 206 (fig. 2) includes a plurality of objects associated with one of multiple functions 210 (fig. 2, col. 6, lines 60-64);
  - b. A cursor control device (CCD) 212 (fig. 2) including a cursor moving mechanism. The cursor is placed on the desired menu item (col. 5, lines 55-56) defined a main object marker.
  - c. The switches 212a1, 212a2, and 212a3 (fig. 2A) defined an auxiliary control device including a discrete moving mechanism.

Accordingly, Clark et al teaches all of the claimed limitation of claim 1, except for "displacing an auxiliary object marker on the display object without affecting control of the main object marker."

However, Vaughan et al teaches the center menu item 66 is highlighted (fig. 5, an auxiliary object marker) by using the discrete keys 22 (fig. 1, col. 5, lines 60-61). The ability selects a menu item without having to active another key in the continuous keys (cursor control key) (col. 6, lines 4-5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Clark's switches 212a1, 212a2, and 212a3 including displacing an auxiliary object marker on the display object without affecting control of the main object marker, in view of the teaching in the Vaughan's reference because this would provide a simpler and quicker way for a user to select a menu item as taught by Vaughan et al (col. 6, lines 6-7).

3. As to claims 2, 7, 13, 18, Clark et al teaches cursor control devices (CCDs) 212, 220 (fig. 2) including a cursor moving mechanism and continuous manner. The cursor is placed on the desired menu item (col. 5, lines 55-56) defined a first activation mechanism. The switches 212a1, 212a2, and 212a3 (fig. 2A) corresponding to an auxiliary control device defined a second activation mechanism.

4. As to claims 3, 14, Clark et al teaches the switches 212a1, 212a2, and 212a3 (fig. 2A) which are separate stand-alone unit.

5. As to claims 4, 15, Vaughan et al teaches a keyboard 18 which includes the discrete keys 22 (fig. 1).

6. As to claims 5, 16, Vaughan et al teaches the object (system menu 66, fig. 5) which are arranged to one vertical direction (see fig. 5) which are controlled by the arrow keys 22 on the keyboard 18 (see fig. 1).

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7. As to claims 8, 9, 19, 20, Clark et al teaches menu 314 would include selections (not shown) which when selected display a control panel or second menu (i.e., submenu) of options (not shown) that can be selected. However, with the interactive functions (e.g., CHKL, COMM, FUEL, Alpha Menu etc.), it is necessary to either press the menu select switch 308c, or move the cursor to an inactive area before pushing the CCD function select switch 308b to display the menu 310 or 314 (col. 8, lines 7-14)

8. As to claims 11, 22, Clark et al teaches another set of the cursor control device and the auxiliary control device 220 (see fig. 2).

9. Claims 6, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al in view of Vaughan et al as applied to claims 1, 12 above, and further in view of Yoshino et al (US 5,548,304).

10. As to claims 6, 17, Clark et al and Vaughan et al teach all of the claimed limitation of claims 1, 12, except for the main object marker has priority over the auxiliary object marker."

However, Yoshino et al teaches a plurality of cursor control units A, B, C, D (fig. 18a) including the function of priority access levels of both main cursor and auxiliary marker (col. 12, lines 40-42).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Clark's cursor control device including the function of priority access levels of both main cursor and auxiliary marker, in view of the teaching in the Yoshino's reference because this would prevent the confusion and the damage to

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the image information due to mistakes by a plurality of operators of lower ranks as taught by Yoshino et al (col. 3, lines 12-20).

11. Claims 10, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al in view of Vaughan et al as applied to claims 1, 12 above, and further in view of Oder et al (US 5,475,594).

12. As to claims 10, 21, Clark et al and Vaughan et al teach all of the claimed limitation of claims 1, 12, except for the key is activated during an emergency mode of the aircraft.

However, Oder et al teaches the key 39 which activates the emergency menu 52 (fig. 6, col. 9, lines 34-45).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Clark's auxiliary control device including the key 39 which activates the emergency menu 52, in view of the teaching in Oder's reference because this would provide the operator to access certain functions directly by a single action (pushing down the corresponding function key). These characteristics are obviously particularly advantageous in critical situations, and are reserved for particular functions, e.g. functions which are implemented when an important element (engine, etc.) of the aircraft fails.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 703-305-6209. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 703-308-6725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin M. Nguyen  
Patent Examiner  
Art Unit 2674

KMN  
February 1st, 2005

  
**XIAO WU**  
**PRIMARY EXAMINER**